

*William J. Thurman*

Honorable William T. Thurman  
United States Bankruptcy Judge



Entered on Docket  
March 05, 2013

E-Filed: \_\_\_\_\_

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**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA**

In Re:  
  
WILLIAM GAYLER,

Debtor.

Case No: BK-S-09-31603-MKN  
Chapter: 7

Adversary Proceeding No. 11-1027-MKN

JOHN D. O'BRIEN, AS TRUSTEE OF THE  
JOHN D. O'BRIEN PROFIT SHARING PLAN,  
DONALD CAMPBELL, COLBY WILLIAMS,  
MARIO P. BORINI, INDIVIDUALLY  
AND AS CHAIRMAN OF THE BOARD OF  
TRUSTEES OF THE ALEXANDER DAWSON  
FOUNDATION.

Plaintiffs,

v.

WILLIAM GAYLER

Defendant.

**JUDGMENT**

**MARQUIS AURBACH COFFING**

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

**JUDGMENT**

On February 6, 2013, The Honorable William T. Thurman, sitting by designation of the Ninth Circuit Court of Appeals, held a hearing on Plaintiffs' Motion for Attorney Fees and Costs, and the Court having considered the papers and pleadings on file herein, and having heard the arguments of counsel, and good cause appearing therefore, the Court does hereby enter a Judgment against Defendant William A. Gayler ("Gayler") and in favor of Plaintiffs John D. O'Brien, as Trustee of the John D. O'Brien Profit Sharing Plan, Donald J. Campbell and J. Colby Williams (collectively as the "Prevailing Parties").

On February 6, 2013, the Court pronounced its oral Findings of Fact and Conclusions of Law pursuant to Fed. R. Civ. P. 52, which is incorporated by Fed. R. Bankr. P. 7052. The Court now incorporates those Findings and Conclusions, in the pronouncement of this Judgment, made pursuant to Fed. R. Civ. P. 54, which is incorporated by Fed. R. Bankr. P. 7054.

Accordingly, it is **ORDERED**:

1. The Prevailing Parties are awarded reasonable costs in the amount of \$10,535.55;
2. The Prevailing Parties are awarded reasonable attorney fees in the amount of \$110,292.50;
3. The total amount of this Judgment is \$120,828.05 with post-judgment interest awarded at the legal rate from the date of this Judgment;
4. The Prevailing Parties' Judgment against Gayler is nondischargeable under 11 U.S.C. § 523(a)(2)(A).

**IT IS SO ORDERED.**

Dated this 27<sup>th</sup> day of February, 2013.

MARQUIS AURBACH COFFING

By 

DALE A. HAYES, ESQ.  
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**LR 9021 CERTIFICATION**

In accordance with LR 9021, counsel submitting document certifies as follows (mark one):

- ☐ The Court has waived the requirement of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below:

Failed to respond.

Submitted by:  
Dated this 25<sup>th</sup> day of February, 2013.

MARQUIS AURBACH COFFING

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